UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NILS FINHOLT,

Plaintiff,

v.

DYNAMIC RECOVERY SOLUTIONS, LLC,

Defendant.

PLAINTIFF'S COMPLAINT

Plaintiff, NILS FINHOLT ("Plaintiff"), through his attorneys, alleges the following against Defendant, DYNAMIC RECOVERY SOLUTIONS, LLC, ("Defendant"):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. 1331 and 15 U.S.C. 1692k.
3. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

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4. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

5. Plaintiff is a natural person residing in Mountlake Terrace, Snohomish County, Washington.
6. Plaintiff is a consumer as that term is defined by the FDCPA.
7. Defendant is a debt collector as that term is defined by the FDCPA.
8. Within the last year, Defendant attempted to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency located in Greenville, South Carolina.
10. Defendant is a business entity engaged in the collection of debt within the State of Washington.
11. The principal purpose of Defendant's business is the collection of debts allegedly owed to third parties.
12. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
13. During the course of its attempts to collect debts allegedly owed to third parties, Defendant sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or electronic mail, and initiates contact with alleged debtors via various means of telecommunication, such as by telephone and facsimile.
14. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

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FACTUAL ALLEGATIONS

15. Defendant is attempting to collect a consumer debt from Plaintiff, which Plaintiff does not owe, allegedly originally arising from a Bank First Visa Gold Premium credit card, Defendant's account number AFS0513ACO1554.

16. Plaintiff is informed and believes, and thereon alleges, that the alleged debt owed arises from transactions for personal, family, and household purposes.

17. On or around May 23, 2013, Defendant began placing collections calls to Plaintiff's cell phone number at 360-865-2448.

18. Defendant calls Plaintiff from 360-524-9777, 866-625-8973, and possibly other numbers also.

19. The telephone numbers of 360-524-9777 and 866-625-8973 belong to Defendant.

20. On or around May 23, 2013, Defendant left a message on Plaintiff's voicemail which did not meaningfully disclose the purpose of the call. *See* voicemail transcription as Exhibit A.

21. Further, Defendant's voicemail message did not state that the call is an attempt to collect a debt and that any information obtained will be used for the purposes of the collection of a debt. *Id.*

22. Soon after receiving Defendant's calls, Plaintiff spoke with several of Defendant's representatives and disputed that he owes the debt.

23. Plaintiff has received contradictory information from Defendant regarding the origin of the debt, to wit: Defendant's representatives initially told Plaintiff that the alleged debt originated in 2003; subsequently, Defendant's representatives told Plaintiff that the alleged debt originated in 1999, and then from 2001.

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24. Plaintiff has reviewed his personal credit history and no entries reflecting the alleged debt appear on his credit report.

25. Despite Plaintiff not owing the alleged debt, and explaining this fact repeatedly to Defendant's representatives, Defendant has continued to attempt to collect from Plaintiff on the alleged debt.

26. Defendant's representatives have told Plaintiff that, since Plaintiff is refusing to settle the alleged debt, Defendant will report Plaintiff back to Defendant's client so that the "necessary actions" can be taken in connection with the debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

27. Defendant violated the FDCPA based on, but not limited to, the following:

    a. Defendant violated *§1692e* of the FDCPA by using false, deceptive, or misleading representations or means in connection with the collection of a debt when, on or about May 23, 2013, Defendant left a message on Plaintiff's voicemail which failed to disclose the identity of the caller or the purpose of the call; Defendant subsequently misrepresented the origin of the alleged debt, which Plaintiff does not owe, and made threats to Plaintiff in connection with the alleged debt if Plaintiff did not pay;

    b. Defendant violated *§1692e(10)* of the FDCPA by the use of any false representation or deceptive means to collect or attempt to collect any debt when, on or about May 23, 2013, Defendant misrepresented the origin of the alleged debt and made threats against Plaintiff for refusing to pay or otherwise settle the alleged debt; and

    c. Defendant violated *§1692e(11)* of the FDCPA by failing to disclose, in the initial

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and/or subsequent communications with the consumer that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose when, on or about May 23, 2013, Defendant left a message on Plaintiff's voicemail which failed to disclose the identity of the caller or the purpose of the call, or state that the communication was an attempt to collect a debt and that any information obtained would be used for that purpose.

WHEREFORE, Plaintiff, NILS FINHOLT, respectfully requests judgment be entered against Defendant, DYNAMIC RECOVERY SOLUTIONS, LLC, for the following:

28. Statutory damages of $1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

29. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and

30. Any other relief this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

June 8, 2013 By: _/s/ Sharon D. Cousineau_

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EXHIBIT A

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TRANSCRIPTION OF VOICEMAIL MESSAGE

VOICE ON RECORDING: “Hi, I’m calling from Dynamic Recovery Solutions. I wanted to discuss a matter with you today. Please give me a call back at 866-625-8973. Again, that number is toll free, and it is 866-625-8973. I look forward to hearing from you.”

[END OF RECORDING]